

**FIFTY-NINTH DAY - APRIL 12, 2006****LEGISLATIVE JOURNAL****NINETY-NINTH LEGISLATURE  
SECOND SESSION****FIFTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, April 12, 2006

**PRAYER**

The prayer was offered by Senator Smith.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Brown, Kopplin, Landis, and Synowiecki who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-eighth day was approved.

**ANNOUNCEMENT**

Speaker Brashear announced today is Senator Cudaback's birthday.

**MOTIONS - Approve Appointments**

Senator Stuhr moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 1365:

State Investment Officer  
David L. Bomberger

Voting in the affirmative, 36:

Aguilar	Cudaback	Howard	Pahls	Stuhr
Baker	Cunningham	Hudkins	Pederson, D.	Stuthman
Bourne	Erdman	Janssen	Preister	Thompson
Burling	Fischer	Jensen	Price	Wehrbein
Byars	Flood	Johnson	Raikes	
Combs	Foley	Kremer	Redfield	
Connealy	Friend	Louden	Schrock	
Cornett	Heidemann	McDonald	Smith	

Voting in the negative, 0.

Present and not voting, 9:

Beutler	Chambers	Kruse	Mines	Schimek
Brashear	Engel	Langemeier	Pedersen, Dw.	

Excused and not voting, 4:

Brown	Kopplin	Landis	Synowiecki
-------	---------	--------	------------

The appointment was confirmed with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Senator Raikes moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 1393:

Board of Educational Lands and Funds  
Charles Ward

Voting in the affirmative, 39:

Aguilar	Cornett	Friend	Langemeier	Redfield
Baker	Cudaback	Heidemann	McDonald	Schimek
Bourne	Cunningham	Howard	Mines	Schrock
Burling	Engel	Hudkins	Pahls	Smith
Byars	Erdman	Jensen	Pedersen, Dw.	Stuhr
Chambers	Fischer	Johnson	Pederson, D.	Stuthman
Combs	Flood	Kopplin	Preister	Wehrbein
Connealy	Foley	Kremer	Raikes	

Voting in the negative, 0.

Present and not voting, 7:

Beutler	Janssen	Louden	Thompson
Brashear	Kruse	Price	

Excused and not voting, 3:

Brown	Landis	Synowiecki
-------	--------	------------

The appointment was confirmed with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

Senator Raikes moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 1393:

Nebraska Educational Telecommunications Commission

Dennis W. Miller Jr.

Voting in the affirmative, 42:

Aguilar	Cudaback	Howard	McDonald	Schimek
Baker	Cunningham	Hudkins	Mines	Schrock
Beutler	Engel	Jensen	Pahls	Stuhr
Burling	Erdman	Johnson	Pedersen, Dw.	Stuthman
Byars	Fischer	Kopplin	Pederson, D.	Thompson
Chambers	Flood	Kremer	Preister	Wehrbein
Combs	Foley	Landis	Price	
Connealy	Friend	Langemeier	Raikes	
Cornett	Heidemann	Louden	Redfield	

Voting in the negative, 0.

Present and not voting, 5:

Bourne	Brashear	Janssen	Kruse	Smith
--------	----------	---------	-------	-------

Excused and not voting, 2:

Brown	Synowiecki
-------	------------

The appointment was confirmed with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

Senator Raikes moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 1553:

Nebraska Educational Telecommunications Commission

Steven E. Titus

Senator Raikes moved for a call of the house. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

Voting in the affirmative, 25:

Baker	Engel	Hudkins	Kremer	Raikes
Brashear	Erdman	Janssen	Kruse	Smith
Burling	Fischer	Jensen	Langemeier	Stuhr
Byars	Flood	Johnson	McDonald	Stuthman
Cudaback	Heidemann	Kopplin	Price	Wehrbein

Voting in the negative, 6:

Aguilar	Chambers	Redfield
Bourne	Cunningham	Schrock

Present and not voting, 16:

Beutler	Foley	Louden	Pederson, D.
Combs	Friend	Mines	Preister
Connealy	Howard	Pahls	Schimek
Cornett	Landis	Pedersen, Dw.	Thompson

Excused and not voting, 2:

Brown	Synowiecki
-------	------------

The appointment was confirmed with 25 ayes, 6 nays, 16 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Schimek moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 1565:

Accountability and Disclosure Commission  
Judy Schweikart

Voting in the affirmative, 41:

Aguilar	Cunningham	Hudkins	McDonald	Schrock
Baker	Engel	Janssen	Pahls	Stuhr
Brown	Erdman	Jensen	Pedersen, Dw.	Stuthman
Burling	Fischer	Johnson	Pederson, D.	Thompson
Byars	Flood	Kopplin	Preister	Wehrbein
Chambers	Foley	Kremer	Price	
Connealy	Friend	Kruse	Raikes	
Cornett	Heidemann	Landis	Redfield	
Cudaback	Howard	Louden	Schimek	

Voting in the negative, 0.

Present and not voting, 7:

Beutler	Brashear	Langemeier	Smith
Bourne	Combs	Mines	

Excused and not voting, 1:

Synowiecki

The appointment was confirmed with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

Senator Jensen moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1584:

Child Abuse Prevention Fund Board  
Patricia Madsen

Voting in the affirmative, 34:

Brown	Erdman	Hudkins	Landis	Schimek
Burling	Fischer	Janssen	Langemeier	Schrock
Byars	Flood	Jensen	Pahls	Smith
Cornett	Foley	Johnson	Pedersen, Dw.	Stuhr
Cudaback	Friend	Kopplin	Pederson, D.	Stuthman
Cunningham	Heidemann	Kremer	Price	Wehrbein
Engel	Howard	Kruse	Raikes	

Voting in the negative, 0.

Present and not voting, 14:

Aguilar	Bourne	Combs	McDonald	Redfield
Baker	Brashear	Connealy	Mines	Thompson
Beutler	Chambers	Louden	Preister	

Excused and not voting, 1:

Synowiecki

The appointment was confirmed with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

## **BILLS ON FINAL READING**

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1199 with 41 ayes, 2 nays, 5 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 1199.**

A BILL FOR AN ACT relating to sex offenses; to amend sections 28-319,

29-2028, 29-2221, 42-1203, 71-1,206.14, 71-1,206.18, 71-1,206.34, 71-6908, 79-267, 83-1,100, and 83-1,103, Reissue Revised Statutes of Nebraska, sections 28-101, 28-111, 28-311, 28-318, 28-320.01, 28-320.02, 28-707, 29-119, 29-1926, 29-2290, 29-2923, 29-4001, 29-4005, 29-4006, 29-4007, 29-4011, 29-4103, 71-916, 71-917, 71-918, 71-919, 71-942, 71-944, 71-945, 71-946, 71-947, 71-948, 71-949, 71-954, 71-956, 71-957, 71-958, 71-959, 71-960, 71-961, 71-962, 80-601, 81-1850, 83-338, 83-351, 83-364, 83-376, and 83-933, Revised Statutes Cumulative Supplement, 2004, and sections 29-110, 29-4003, 29-4004, 29-4009, 29-4013, 71-1128, 83-1,102, 83-1,135, and 83-4,143, Revised Statutes Supplement, 2005; to create the offenses of sexual assault of a child in the first, second, and third degrees; to provide penalties; to change provisions relating to sex offenses and the Sex Offender Registration Act; to adopt the Sexual Predator Residency Restriction Act and the Sex Offender Commitment Act; to provide duties for authorities with respect to the release of certain sex offenders; to provide for lifetime community supervision of certain sex offenders as prescribed; to provide duties for the Office of Parole Administration and parole officers; to change provisions relating to the Nebraska Treatment and Corrections Act; to provide duties for sentencing courts; to establish a working group; to provide a termination date; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Aguilar	Cornett	Howard	Louden	Schimek
Baker	Cudaback	Hudkins	McDonald	Schrock
Beutler	Cunningham	Janssen	Mines	Smith
Bourne	Engel	Jensen	Pahls	Stuhr
Brashear	Erdman	Johnson	Pedersen, Dw.	Stuthman
Brown	Fischer	Kopplin	Pederson, D.	Thompson
Burling	Flood	Kremer	Preister	Wehrbein
Byars	Foley	Kruse	Price	
Combs	Friend	Landis	Raikes	
Connealy	Heidemann	Langemeier	Redfield	

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 1:

Synowiecki

A constitutional majority having voted in the affirmative, the bill was

declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 1199A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1199, Ninety-ninth Legislature, Second Session, 2006.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Aguilar	Cudaback	Howard	Louden	Redfield
Baker	Cunningham	Hudkins	McDonald	Schimek
Bourne	Engel	Janssen	Mines	Schrock
Brown	Erdman	Jensen	Pahls	Smith
Burling	Fischer	Johnson	Pedersen, Dw.	Stuhr
Byars	Flood	Kopplin	Pederson, D.	Stuthman
Combs	Foley	Kruse	Preister	Thompson
Connealy	Friend	Landis	Price	Wehrbein
Cornett	Heidemann	Langemeier	Raikes	

Voting in the negative, 0.

Present and not voting, 4:

Beutler	Brashear	Chambers	Kremer
---------	----------	----------	--------

Excused and not voting, 1:

Synowiecki

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 1222. With Emergency.**

A BILL FOR AN ACT relating to telecommunications; to amend sections 86-442, 86-443, 86-456, 86-457, 86-459, 86-463, 86-465, and 86-466, Revised Statutes Cumulative Supplement, 2004, and section 86-420, Revised Statutes Supplement, 2005; to provide duties for counties under the Emergency Telephone Communications Systems Act; to define and redefine terms under the Enhanced Wireless 911 Services Act; to adopt and change provisions relating to surcharges and public safety answering points; to provide duties for the Public Service Commission; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 41:

Aguilar	Cudaback	Janssen	McDonald	Schimek
Baker	Cunningham	Jensen	Mines	Schrock
Brashear	Engel	Johnson	Pahls	Stuhr
Brown	Fischer	Kopplin	Pedersen, Dw.	Thompson
Burling	Flood	Kremer	Pederson, D.	Wehrbein
Byars	Friend	Kruse	Preister	
Combs	Heidemann	Landis	Price	
Connealy	Howard	Langemeier	Raikes	
Cornett	Hudkins	Louden	Redfield	

Voting in the negative, 2:

Erdman          Smith

Present and not voting, 5:

Beutler          Bourne          Chambers          Foley          Stuthman

Excused and not voting, 1:

Synowiecki

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

#### **LEGISLATIVE BILL 1222A. With Emergency.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1222, Ninety-ninth Legislature, Second Session, 2006; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 41:



Aguilar	Cunningham	Jensen	Mines	Smith
Baker	Engel	Johnson	Pahls	Stuhr
Brashear	Erdman	Kopplin	Pedersen, Dw.	Stuthman
Burling	Fischer	Kremer	Pederson, D.	Thompson
Byars	Flood	Kruse	Price	Wehrbein
Combs	Friend	Landis	Raikes	
Connealy	Heidemann	Langemeier	Redfield	
Cornett	Hudkins	Louden	Schimek	
Cudaback	Janssen	McDonald	Schrock	

Voting in the negative, 0.

Present and not voting, 7:

Beutler	Brown	Foley	Preister
Bourne	Chambers	Howard	

Excused and not voting, 1:

Synowiecki

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1226 with 38 ayes, 3 nays, 7 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 1226.** With Emergency.

A BILL FOR AN ACT relating to the environment; to amend sections 46-229.02, 46-229.03, 46-229.04, 46-290, 46-291, 46-294.01, 46-2,112, 46-2,136, 46-655.01, 46-683, 46-691.03, 46-701, 46-706, 46-712, 46-713, 46-714, 46-715, 46-719, 46-739, 46-740, and 61-205, Reissued Revised Statutes of Nebraska, sections 2-945.01, 2-1588, 2-3225, and 2-3240, Revised Statutes Cumulative Supplement, 2004, section 77-3442, Revised Statutes Supplement, 2005, and section 46-602, Reissue Revised Statutes of Nebraska, as amended by section 2, Legislative Bill 508, Ninety-ninth Legislature, Second Session, 2006; to change notice requirements for projects under the Noxious Weed Control Act; to change provisions relating to the Natural Resources Development Fund; to provide and change tax levy authority for natural resources districts; to create the Storm Water Management Plan Program and the Interrelated Water Management Plan Program; to change provisions relating to water appropriations, the Water Policy Task Force, water wells, and the Nebraska Ground Water

Management and Protection Act; to provide powers for the Department of Natural Resources; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 45:

Aguilar	Combs	Heidemann	Landis	Price
Baker	Cornett	Howard	Langemeier	Raikes
Beutler	Cudaback	Hudkins	Louden	Schimek
Bourne	Cunningham	Janssen	McDonald	Schrock
Brashear	Engel	Jensen	Mines	Smith
Brown	Erdman	Johnson	Pahls	Stuhr
Burling	Fischer	Kopplin	Pedersen, Dw.	Stuthman
Byars	Flood	Kremer	Pederson, D.	Thompson
Chambers	Foley	Kruse	Preister	Wehrbein

Voting in the negative, 2:

Friend              Redfield

Present and not voting, 1:

Connealy

Excused and not voting, 1:

Synowiecki

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

### **LEGISLATIVE BILL 1226A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1226, Ninety-ninth Legislature, Second Session, 2006.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Aguilar	Combs	Heidemann	Langemeier	Schimek
Baker	Conneally	Howard	Louden	Schrock
Beutler	Cornett	Hudkins	McDonald	Smith
Bourne	Cudaback	Janssen	Mines	Stuhr
Brashear	Cunningham	Johnson	Pahls	Thompson
Brown	Engel	Kopplin	Pedersen, Dw.	Wehrbein
Burling	Fischer	Kremer	Pederson, D.	
Byars	Flood	Kruse	Preister	
Chambers	Foley	Landis	Raikes	

Voting in the negative, 2:

Friend	Redfield
--------	----------

Present and not voting, 4:

Erdman	Jensen	Price	Stuthman
--------	--------	-------	----------

Excused and not voting, 1:

Synowiecki

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 57.** With Emergency.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 60-6,198, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Cumulative Supplement, 2004; to adopt the Assault of an Unborn Child Act; to provide penalties; to enhance penalties for certain assaults committed on a pregnant woman; to provide a penalty for causing serious bodily injury to an unborn child while driving under the influence; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 46:

Aguilar	Cornett	Howard	Louden	Schrock
Baker	Cudaback	Hudkins	McDonald	Smith
Beutler	Cunningham	Janssen	Mines	Stuhr
Bourne	Engel	Jensen	Pahls	Stuthman
Brashear	Erdman	Johnson	Pedersen, Dw.	Thompson
Brown	Fischer	Kopplin	Pederson, D.	Wehrbein
Burling	Flood	Kremer	Preister	
Byars	Foley	Kruse	Raikes	
Combs	Friend	Landis	Redfield	
Connealy	Heidemann	Langemeier	Schimek	

Voting in the negative, 1:

Chambers

Present and not voting, 1:

Price

Excused and not voting, 1:

Synowiecki

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **LEGISLATIVE BILL 79.**

A BILL FOR AN ACT relating to railroad safety; to amend section 74-1334, Reissue Revised Statutes of Nebraska; to change provisions relating to crossings; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Aguilar	Connealy	Friend	Kruse	Price
Baker	Cornett	Heidemann	Landis	Raikes
Beutler	Cudaback	Howard	Langemeier	Redfield
Brashear	Cunningham	Hudkins	Louden	Schimek
Brown	Engel	Janssen	Mines	Schrock
Burling	Erdman	Jensen	Pahls	Smith
Byars	Fischer	Johnson	Pedersen, Dw.	Stuhr
Chambers	Flood	Kopplin	Pederson, D.	Thompson
Combs	Foley	Kremer	Preister	Wehrbein

Voting in the negative, 0.

Present and not voting, 3:

Bourne            McDonald            Stuthman

Excused and not voting, 1:

Synowiecki

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 1148.**

A BILL FOR AN ACT relating to schools; to amend section 25-21,280, Revised Statutes Supplement, 2005; to provide for student possession and self-administration of prescription asthma or anaphylaxis medication; to provide immunity; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Aguilar	Connealy	Heidemann	Langemeier	Redfield
Baker	Cornett	Howard	Louden	Schimek
Beutler	Cudaback	Hudkins	McDonald	Schrock
Bourne	Cunningham	Janssen	Mines	Smith
Brashear	Engel	Jensen	Pahls	Stuhr
Brown	Erdman	Johnson	Pedersen, Dw.	Stuthman
Burling	Fischer	Kopplin	Pederson, D.	Synowiecki
Byars	Flood	Kremer	Preister	Thompson
Chambers	Foley	Kruse	Price	Wehrbein
Combs	Friend	Landis	Raikes	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **RESOLUTION ON FINAL READING**

The following resolution was read and put upon final passage:

### **LEGISLATIVE RESOLUTION 274CA.**

THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2006 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article II, section 1:

II-1 (1) The powers of the government of this state are divided into three distinct departments, the legislative, executive, and judicial, and no person or collection of persons being one of these departments, shall exercise any power properly belonging to either of the others, except as ~~hereinafter~~ expressly directed or permitted in this Constitution.

(2) Notwithstanding the provisions of subsection (1) of this section, supervision of individuals sentenced to probation, released on parole, or enrolled in programs or services established within a court may be undertaken by either the judicial or executive department, or jointly, as provided by the Legislature.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to permit supervision of individuals sentenced to probation, released on parole, or enrolled in court programs or services by the judicial and executive departments as provided by the Legislature.

For

Against.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?' "

Voting in the affirmative, 49:

Aguilar	Conneally	Heidemann	Langemeier	Redfield
Baker	Cornett	Howard	Louden	Schimek
Beutler	Cudaback	Hudkins	McDonald	Schrock
Bourne	Cunningham	Janssen	Mines	Smith
Brashear	Engel	Jensen	Pahls	Stuhr
Brown	Erdman	Johnson	Pedersen, Dw.	Stuthman
Burling	Fischer	Kopplin	Pederson, D.	Synowiecki
Byars	Flood	Kremer	Preister	Thompson
Chambers	Foley	Kruse	Price	Wehrbein
Combs	Friend	Landis	Raikes	

Voting in the negative, 0.

Not voting, 0.

A constitutional three-fifths majority having voted in the affirmative, the resolution was declared passed for the general election.

**SPEAKER BRASHEAR PRESIDING**

**RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 440, 443, and 444 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 440, 443, and 444.

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 1199, 1199A, 1222, 1222A, 1226, 1226A, 57, 79, 1148, and LR 274CA.

**MESSAGE FROM THE GOVERNOR**

April 12, 2006

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 808e, 819, 856, 856A, 898, 904, 956, 956A, 962, 962A, 994e, 994Ae, 1010, 1038, 1107, 1189e, and 1189A were received in my office on April 6, 2006.

I signed these bills and delivered them to the Secretary of State on April 12, 2006.

Sincerely,  
(Signed) Dave Heineman  
Governor

**RESOLUTION**

**LEGISLATIVE RESOLUTION 452.** Introduced by Health and Human Services Committee: Jensen, 20, Chairperson; Byars, 30; Cunningham, 40; Erdman, 47; Howard, 9; Johnson, 37; Stuthman, 22.

**PURPOSE:** The purpose of this study is to examine and provide recommendations relating to the development and utilization of voluntary emergency medical personnel to assist in responding to natural disasters and other public emergencies. Such study and recommendations shall include, but not be limited to, consideration of the following:

- (1) Training and competency of volunteer physicians and other medical personnel;
- (2) Liability of voluntary medical personnel;
- (3) Planning for sufficient numbers of emergency personnel to adequately respond to major public emergencies; and

(4) Coordinating and integrating volunteer medical reserve corps with the other related federal and state programs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### **REPORT OF THE EXECUTIVE BOARD**

#### 2006 Resolutions calling for an Interim Study

LR 452      Interim study to examine utilization of voluntary emergency medical personnel to assist in responding to natural disasters and other public emergencies  
Health and Human Services

(Signed) L. Patrick Engel, Chairperson  
Legislative Council, Executive Board

### **STANDING COMMITTEE REPORT** **Government, Military and Veterans Affairs**

**LEGISLATIVE RESOLUTION 309.** Reported to the Legislature for further consideration.

(Signed) DiAnna R. Schimek, Chairperson

### **SENATOR CUDABACK PRESIDING**

### **PROPOSED RULES CHANGE**

Senator Hudkins renewed her proposed rules change found on page 1034, to Rule 3, Section 3 and Section 6.

The Hudkins proposed rules change was adopted with 33 ayes, 1 nay, 14 present and not voting, and 1 excused and not voting.

### **RESOLUTION**

**LEGISLATIVE RESOLUTION 449.** Read. Considered.

Pending.



**PRESENTED TO THE GOVERNOR**

Presented to the Governor on April 12, 2006, at 10:52 a.m. were the following: LBs 1199, 1199A, 1222e, 1222Ae, 1226e, 1226A, 57e, 79, and 1148.

(Signed) Jamie Kruse  
Clerk of the Legislature's Office

**PRESENTED TO THE SECRETARY OF STATE**

Presented to the Secretary of State on April 12, 2006, at 10:50 a.m. was the following: LR 274CA.

(Signed) Jamie Kruse  
Clerk of the Legislature's Office

**RESOLUTION**

**LEGISLATIVE RESOLUTION 453.** Introduced by Foley, 29.

WHEREAS, Joseph W. Moylan, a distinguished lawyer, judge, and Nebraskan, passed away on August 13, 2005; and

WHEREAS, Joseph W. Moylan is survived by his beloved wife, Gretchen, by their children Mary, John, Cathy, Theresa, Sheila, and Steve, by his stepson John Paul Schutte, and by fifteen grandchildren; and

WHEREAS, Joseph W. Moylan earned a bachelor's degree from Marquette University and a law degree from Creighton University; and

WHEREAS, Joseph W. Moylan followed his father's example of public service by working as a special attorney general for the State of Nebraska, a private lawyer, and an assistant public defender in Douglas County; and

WHEREAS, Joseph W. Moylan was appointed by Governor J. James Exon to the Douglas County Juvenile Court in 1972; and

WHEREAS, Joseph W. Moylan served honorably as a judge for twenty-one years before retiring due to a matter of conscience; and

WHEREAS, Joseph W. Moylan's life exemplified high standards of honor, ethics, and duty.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature expresses its condolences to the family of Joseph W. Moylan.

2. That a copy of this resolution be sent to the family of Joseph W. Moylan.

Laid over.

**VISITORS**

Visitors to the Chamber were Jason, Jessica, Brissa, Brittany, Zoe, and Makayla Placek from Wilbur; 65 fourth-grade students and teachers from Plattsmouth; student members of Family Career and Community Leaders of America and sponsors from Sidney; Senator Thompson's son, Kevin, and Senator Jensen's son, Joel, from Omaha; 75 fifth-grade students and teachers from Bellfield Elementary School, Fremont; and 44 fourth-grade students and teachers from Fire Ridge Elementary School, Elkhorn.

**RECESS**

At 11:57 a.m., on a motion by Senator Brown, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Senator Cudaback presiding.

**ROLL CALL**

The roll was called and all members were present except Senators Landis, Dw. Pedersen, and Price who were excused until they arrive.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 449.** Considered.

**SENATOR JANSSEN PRESIDING**

**SENATOR CUDABACK PRESIDING**

Senator Connealy moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 39 ayes, 0 nays, and 10 not voting.

Senator Bourne requested a roll call vote on the adoption of the resolution.

Voting in the affirmative, 25:

Beutler	Cornett	Johnson	Pahls	Stuhr
Byars	Cunningham	Kopplin	Preister	Stuthman
Chambers	Flood	Kruse	Price	Synowiecki
Combs	Howard	Landis	Schimek	Thompson
Connealy	Janssen	McDonald	Schrock	Wehrbein

Voting in the negative, 22:

Aguilar	Burling	Foley	Kremer	Redfield
Baker	Cudaback	Friend	Langemeier	Smith
Bourne	Engel	Heidemann	Louden	
Brashear	Erdman	Hudkins	Mines	
Brown	Fischer	Jensen	Raikes	

Present and not voting, 1:

Pederson, D.

Excused and not voting, 1:

Pedersen, Dw.

LR 449 was adopted with 25 ayes, 22 nays, 1 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

### **VISITORS**

Visitors to the Chamber were Senator Langemeier's brother, John Langemeier; Jerry Palmer from Tekamah; 43 fourth-grade students and teachers from Belair Elementary School, Norfolk; and 26 fourth- and fifth-grade students and teachers from Twin River Elementary School, Monroe and Genoa.

The Doctor of the Day was Dr. Julie Hamann from Lincoln.

### **ADJOURNMENT**

At 4:15 p.m., on a motion by Senator Kopplin, the Legislature adjourned until 9:00 a.m., Thursday, April 13, 2006.

Patrick J. O'Donnell  
Clerk of the Legislature

